

REMARKS

Claims 13-25 are pending in the present application.

This Amendment is in response to the Office Action mailed July 19, 2007. In the Office Action, the Examiner rejected claims 13-25 under 35 U.S.C. § 112, first paragraph, and claims 13-25 under 35 U.S.C. § 103(a).

In addition, the Examiner indicated allowable subject matter for claim 25 if it is rewritten to overcome the rejection(s) under 35 U.S.C. § 112, first paragraph and to include all of the limitations of the based claim and any intervening claims. Applicant has canceled claim 25 and amended claim 13. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 112

The Examiner rejected claims 13-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enabling requirement. The claim(s) containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has amended claim 13 accordingly. The rejection is now moot.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 13-15 under 35 U.S.C. § 103(a): 1) as being unpatentable over WO 99/59149 with English equivalent of U.S. Patent No. 7,057,998 issued to Oumi et al. ("Oumi") in view of U.S. Patent No. 6,429,461 issued to Tanaka et al. ("Tanaka"); 2) claims 16-18 are rejected as being unpatentable over Oumi et al. in view of Tanaka et al. as applied to claim 13; further in view of U.S. Patent No. 6,115,353 issued to Horie et al. ("Horie"); 3) claims 21-24 are rejected as

being unpatentable over Oumi et al. in view of Tanaka et al. as applied to claim 13 above; further in view of U.S. Patent No. 5,068,870 issued to Yagi ("Yagi").

As stated by the Examiner, Oumi and Tanaka, taken alone or in any combination, do not disclose, suggest, or render obvious an emission facet that is substantially co-planar with an air bearing surface. This aspect of the invention is supported in the specification on page 8 (lines 6-11), page 18 (line 14), page 26 (lines 20-21), page 29 (line 8), page 31 (lines 19-20), page 33 (lines 19-21), page 35 (lines 16-17), and is recited in amended claim 13.

In view of the amendment to claim 13 as stated by the Examiner, the rejections over Horie, Fujita, and Yagi are now moot. Applicant respectfully requests the rejections under U.S.C. § 103(a) be withdrawn.

III. ALLOWABLE SUBJECT MATTER

The Examiner stated that claim 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, first paragraph, set forth in this Office Action and to include all of the limitation of the base claim and any intervening claims. Applicant has amended claim 13 to overcome the rejection(s) under U.S.C. § 112, first paragraph and to include all the limitation of the base claim and any intervening claim(s) accordingly. Therefore, Applicant believes that independent claim 13 and its respective dependent claims are distinguishable over the cited prior art references.

Applicant would like to thank the Examiner for these allowed claims and look forward to receiving a Notice of Allowance in the near future.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

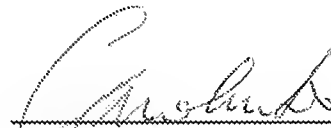
The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: _____

09/17/07



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